FILED

JUDICIAL COUNCIL

OCT 15 2010

MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF

JUDICIAL MISCONDUCT

Nos. 09-90205 and 09-90206

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge and a magistrate judge unduly delayed resolving a motion in her civil rights case. Because complainant provides no evidence of habitual delay or improper motive, these charges must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

Complainant alleges that the judges should have appointed counsel for her because she can't read or write English. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant's allegations against an administrative hearing officer are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant's requests for reinstatement of a housing subsidy, for damages and to transfer the case to another judicial district are not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

DISMISSED.